IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Original Jurisdiction

Dated: Nainital: the 13th day of September, 2006
Crl. Bail Application No. 835 of 2006

Order on the bail application:
CRIMINAL SIDE

Balram Nath S/o Sri Bhola Nath
R/o Village Dogasia, P.S. Gaondhara,
24, North Pargana (West Bengol).
At present at Kathpudia Bazar,
Patwari Circle Kathpudia,
Tehsil and District Almora. **……** **Applicant**

Versus

State of Uttaranchal **……** **Opposite Party**

Arising out of Crime No. 02 of 2006
Under Sections: 302of I.P.C.
Police Station: Patwari Circle Kahtpudia
District: Almora.

Hon'ble Prafulla C. Pant, J.

Heard Mr. Kishore Kumar, learned counsel for the applicant and Mr. Amit Bhatt, learned A.G.A. for the State.

Applicant Balram Nath, who is in jail in connection with crime No. 02 of 2006, under Section 302of the I.P.C., Patwari Circle Kathpudia, District Almora, has sought his release on bail.

From the F.I.R. it appears that it was the applicant himself who first informed about the death of his wife to the Patwari. It is only after postmortem examination in which cause of death was found throttling; the informant was arrested by Patwari. There is no eyewitness of the incident. Apart from this, it appears that in his statement recorded under Section 161 Cr.P.C., the father of the deceased has not made any allegations against the applicant.

Considering the facts and circumstances of the case, this Court is of the view, that it is a fit case for bail.

Let the applicant be released on bail on executing a personal bond and furnishing two sureties each of the like amount to the satisfaction of the Chief Judicial Magistrate, Almora.

(Prafulla C. Pant, J.)

Dt. 13.09.2006
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